

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

D.J. ADMINISTRATOR OF THE ESTATE OF  
J.J., DECEASED, AVIATION WEST  
CHARTERS, LLC  
*doing business as*  
ANGEL MEDFLIGHT,

22cv1127  
ELECTRONICALLY FILED

Plaintiffs,

v.

THE BANK OF NEW YORK MELLON  
CORPORATION FLEXIBLE BENEFIT  
PLAN, THE BANK OF NEW YORK  
MELLON, INC.,

Defendants.

**ORDER REFERRING CASE TO ALTERNATIVE DISPUTE RESOLUTION**

After due consideration of the issues and in consultation with the parties, the Court finds that this case is appropriate for referral to an alternative form of dispute resolution as provided by the local rules of this Court.

**IT IS HEREBY ORDERED:**

(a) Referral to ADR: This case is referred to: Mediation. Gerald Kobell is appointed to serve as the neutral. Compensation of the neutral will be as follows: 50% by Plaintiff(s) and 50% by Defendant(s). Compensation shall be paid directly to the neutral upon the conclusion of the ADR process. Failure to pay the neutral shall be brought to the attention of the Court.

(b) Conduct of ADR Conference(s): The ADR conference(s) shall be conducted in accordance with Local Rule 16.2 and the Court's ADR Policies and Procedures.

(c) Scheduling ADR Conference(s): The ADR conference(s) is scheduled for March 17, 2023, unless extended by order of the Court. The ADR conference(s) may be

conducted at any location agreed to by the parties, counsel, and the assigned neutral.

(d) Designation of Lead Counsel: Ruairi McDonnell is designated as lead counsel for ADR purposes and shall be responsible for working with the parties and the neutral to coordinate an agreeable date, time and location for the initial ADR conference.

**If the parties are utilizing a private process, the case is still governed by the Court's Local Rules and ADR Policies and Procedures. When private processes are used, it is the responsibility of counsel to ensure that all of the proper forms are timely submitted and filed, as required by Policies and Procedures.**

**The parties are hereby notified that any individual neutral (Court approved or private) is required to become a registered user of the Electronic Case Filing System (ECF) in the United States District Court for the Western District of Pennsylvania. Counsel shall so notify their agreed upon neutral and refer them to the Court's website at [www.pawd.uscourts.gov](http://www.pawd.uscourts.gov) for user registration forms.**

**Nothing in this order alters the Case Management Order previously entered in this case. All deadlines set forth in that Case Management Order remain in full force and effect.**

**SO ORDERED** this 8<sup>th</sup> day of February, 2023.

s/ Arthur J. Schwab  
Arthur J. Schwab  
United States District Judge